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w/ order

ORIGINAL

(36)

3-12-02  
SC

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,  
Plaintiff

v.

66.84 ACRES OF LAND, MORE OR  
LESS, SITUATE IN SOUTH  
NEWTON AND SOUTHAMPTON  
TOWNSHIPS, CUMBERLAND  
COUNTY, COMMONWEALTH  
OF PENNSYLVANIA;  
TUMBLING RUN GAME  
PRESERVE UNKNOWN  
OWNERS; AND  
LAWRENCE J. KEATING,  
ESQUIRE,

Defendants.

CIVIL NO. 1:CV-00-1763

(JUDGE RAMBO) ✓  
(MAGISTRATE JUDGE SMYSER)

FILED  
HARRISBURG

MAR 11 2002

MARY E. D'ANDREA, CLERK  
Per KB  
DEPUTY CLERK

MOTION FOR ENLARGEMENT OF TIME


Plaintiff United States of America, by and through Martin C. Carlson, United States Attorney for the Middle District of Pennsylvania, and the undersigned Assistant United States Attorney, hereby ask the Court to extend the time for the exchange of expert reports and, if necessary, the date of trial, and in support thereof, state as follows:

1. Responsibility for the litigation of this matter was transferred to the undersigned in late February;
2. After assuming responsibility for this matter, undersigned counsel for the government learned that the parties had not exchanged expert reports (appraisals) within the deadline previously established by the Court, that is, January 15, 2001;
3. Up to and including that time, the parties were engaged in settlement discussions which are expected to resolve this matter without further litigation;
4. The parties are still hopeful that the matter will be resolved without the need for a trial, however, counsel wish the court to be aware of the absence of expert reports at this time;
5. Undersigned counsel for the government, after consultation with the National Park Service, believes that sixty days would permit enough time to retain the expert and receive the new appraisal. Upon exchange of the reports, the parties may wish to depose the experts;
6. Counsel wishes to reiterate that the parties expect that a settlement will be reached in this matter, but those discussions have not yet concluded;
7. Counsel also wishes to apologize to the Court for the inconvenience this has causes and wishes to assure the Court that their failure to exchange reports was a reflection of the high expectation that a settlement could be reached and was in no way intended to indicate a lack of attention to the Court's order.

WHEREFORE, the United States respectfully asks the Court to grant this motion.

Respectfully submitted,

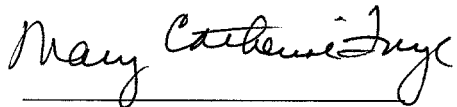
MARTIN C. CARLSON  
United States Attorney

  
for ANNE K. FIORENZA  
Assistant United States Attorney  
Federal Building, 2<sup>nd</sup> Floor  
228 Walnut Street, PO Box 11754  
Harrisburg, PA 17108-1754  
Phone: 717-221-4482  
Fax: 717-221-2246

DATED: March 11, 2002

**CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE**

Counsel certifies that she sought concurrence from Defendant's counsel, Lawrence Keating, Esquire, and will amend the certificate once he has had an opportunity to respond.

*for*   
ANNE K. FIORENZA  
Assistant U.S. Attorney

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(JUDGE RAMBO)

(MAGISTRATE JUDGE SMYSER)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

On this 11<sup>th</sup> day of March, 2002, she served a copy of the foregoing document by placing said copy in a postpaid envelope addressed to the persons hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania to:

Lawrence J. Keating, Esquire  
Growth Capital Resources.com, LLC  
80 Abbeyville Road  
Lancaster, PA 17603



REBECCA A. PLESIC

Legal Assistant